

09/770,056

MS160207.01/MSFTP182US

REMARKS

Claims 1-32 are currently pending in the subject application and are presently under consideration. Claim 31 has been amended herein to comport with the Examiner's recommendation, and claims 1-9, 11-21 and 24-27 have been amended to address minor informalities, and these amendments do not raise new issues requiring further search or consideration. A listing of all claims is at pages 2-6. Favorable consideration of the subject patent application is respectfully requested in view of the comments and amendments herein.

I. Objection of Claim 31 Under 35 U.S.C. §132

Claim 31 stands objected to under 35 U.S.C. §132 for introducing new matter. It is respectfully submitted that this objection should be withdrawn for at least the following reasons. As requested by the Examiner the amendments to claim 31 that were submitted in the Reply to the Office Action dated June 4, 2004 are cancelled herein. Accordingly, the objection to claim 31 should be withdrawn.

II. Rejection of Claim 31 Under 35 U.S.C. §112

Claim 31 stands rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. This rejection should be withdrawn for at least the following reasons. As stated above, the amendments to claim 31 submitted in the Reply to the Office Action dated June 4, 2004 have been cancelled herein at the Examiner's request. Accordingly, reversal of this rejection is respectfully requested.

III. Rejection of Claims 1-9, 22-23, 25, 27-30, and 32 Under 35 U.S.C. §103(a)

Claims 1-9, 22-23, 25, 27-30, and 32 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Takahashi *et al.* (US 6,539,481) in view of Patterson *et al.* (US 6,504,913). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Takahashi *et al.* and Patterson *et al.*, individually and/or in combination, do not teach or suggest all limitations as recited in the subject claims.

09/770,056

MS160207.01/MSFTP182US

To reject claims in an application under §103, an examiner must establish a *prima facie* case of obviousness. A *prima facie* case of obviousness is established by a showing of three basic criteria. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) *must teach or suggest all the claim limitations*. The *teaching or suggestion to make the claimed combination* and the reasonable expectation of success *must be found in the prior art and not based on the Applicant's disclosure*. See *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991) (emphasis added).

Applicants claimed invention relates to a system and method for pre-allocating resources to improve consumer experiences associated with registering for, and subsequently using, an application and/or service available over the Internet by reducing the problems associated with resource allocation delays and replication latencies. Independent claim 1 (and similarly claims 23 and 32) recites *pre-allocation of at least one resource*, wherein the pre-allocated resource is associated with and managed by a resource manager. The resource manager then provides access to the pre-allocated resource to a consumer upon receiving a request for such access during consumer registration. The Examiner concedes that Takahashi *et al.* does not teach or suggest pre-allocation of a resource as recited in the subject claims, but contends Patterson *et al.* teaches such aspects and that it would be obvious to one of ordinary skill in the art at the time of the invention to combine the teachings of Takahashi *et al.* and Patterson *et al.* to render applicants' claimed invention. Applicants' representative respectively disagrees.

Patterson *et al.* teaches a call handling mechanism that utilizes a priority mechanism for controlling the allocation of functional modules to process a received call, wherein a resource manager allocates functional modules in accordance with a priority order. (See Abstract). In particular, Patterson *et al.* discloses a process for registering telephony functions such as voice, fax, and data applications. (See col. 6, lines 29-31). At installation, each application registers with a device dispatcher. (See col. 6, lines 32-35). The device dispatcher queries each application for characteristics, which include

09/770,056

MS160207.01/MSFTP182US

pre-allocated priority information that determines whether the application is a voice, fax or data application. (See col. 6, lines 35-40). The priority information is then used by the device dispatcher to prioritize the order in which voice, fax and data applications are notified with respect to incoming calls. (See col. 6, lines 40-48). The priority information can further be utilized for telephony function discrimination between voice, fax and data applications, for example, to guarantee that a voice application will be offered the chance to handle calls before a fax application, and the fax application will be offered the chance to handle calls before a data application. (See col. 8, lines 6-12).

Contrary to the Examiner's assertion and in view of the above, Patterson *et al.* does not teach or suggest pre-allocating a resource for utilization by a consumer as recited in the subject claims, and/or guaranteeing a consumer the chance to handle a service request. Rather, Patterson *et al.* discloses pre-allocating a priority characteristic indicative of a type (voice, fax or data) of a telephony application used to determine a priority order in which to notify telephony applications; this pre-allocated priority characteristic is not a pre-allocated application resource consumed by a consumer as recited in the subject claims, but instead the pre-allocated priority characteristic disclosed in the cited document is used to determine a priority ordering in which to notify telephony applications. Accordingly, the rejection of independent claims 1, 23, and 32 (and dependent claims 2-9, 22, 25, and 27-30) should be withdrawn.

IV. Rejection of Claim 31 Under 35 U.S.C. §103(a)

Claim 31 stands rejected under 35 U.S.C. §103(a) as being unpatentable over Patterson *et al.* in view of Takahashi *et al.* Withdrawal of this rejection is requested for at least the following reasons. The combination of Patterson *et al.* and Takahashi *et al.* does not teach or suggest all the limitations recited in the subject claim.

In the Final Office Action, it is conceded that Patterson *et al.* does not teach or suggest *an association between a resource managing component and the registering consumer* as recited in the subject claim. In order to make up for the deficiency of Patterson *et al.*, the Examiner contends that Takahashi *et al.* teaches such an aspect. Applicants' representative respectfully avers to the contrary, and asserts that Takahashi *et al.* fails to teach or suggest such novel aspects of the claimed invention.

09/770,056

MS160207.01/MSFTP182US

Takahashi *et al.* discloses a computer resource assignment apparatus, wherein a computer request processing section assigns a computer resource to a user in response to a temporary registration request from the user, and a registration request processing section that sends a user's request to a computer resource management section. (See Abstract and col. 5, lines 34-37). In particular, the computer resource management section secures an area of the home directory in order to newly assign the home directory to the user and further allots an empty area in the computer resource pool to a user. (See col. 6, lines 34-39). Takahashi *et al.* however is silent regarding an association between the computer resource management section and the registering user as recited in the subject claim.

In view of at least the forgoing, it is respectfully submitted that neither Patterson *et al.* nor Takahashi *et al.*, alone or in combination, teach or suggest applicants' invention as recited in the subject claim, and withdrawal of this rejection is respectfully requested.

IV. Rejection of Claims 10-11, and 26 Under 35 U.S.C. §103(a)

Claims 10-11, and 26 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Takahashi *et al.* and Patterson *et al.* in view of Makarios *et al.* (US 6,401,125). It is respectfully submitted that this rejection should be withdrawn for at least the following reasons. Claims 10-11 and 26 depend from independent claims 1 and 23, respectively, and Makarios *et al.* does not make up for the aforementioned deficiencies of Takahashi *et al.* and Patterson *et al.* regarding these independent claims. Instead, Makarios *et al.* is directed towards techniques for aiding intelligent proxies in identifying clients or users so that proxies may appropriately customize network communications for those users. (See col. 1, lines 19-22). Accordingly, the combination of Takahashi *et al.*, Patterson *et al.* and Makarios *et al.* does not make obvious the subject claims. Therefore, it is respectfully requested that this rejection be withdrawn.

V. Rejection of Claims 12-21, and 24 Under 35 U.S.C. §103(a)

Claims 12-21, and 24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Takahashi *et al.* and Patterson *et al.* in view of Zadikian *et al.* (US 6,631,134). Claims 12-21 depend from independent claim 1 and claim 24 depends from

09/770,056

MS160207.01/MSFTP182US

independent claim 23, and Zadikian *et al.* fails to make up for the aforementioned deficiencies of Takahashi *et al.* and Patterson *et al.* with respect to these independent claims. Zadikian *et al.* teaches a method for allocating bandwidth in an optical network, wherein a service provider determines an amount of bandwidth available between a first and second node and then allocates at least a portion of the amount of bandwidth available so long as the bandwidth requirement is not greater than the amount of bandwidth available. Accordingly, withdrawal of the rejection is requested.

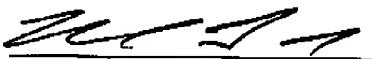
CONCLUSION

The present application is believed to be in condition for allowance, in view of the above comments and amendments. A prompt action to such end is earnestly solicited.

In the event any fees are due in connection with this document, the Commissioner is authorized to charge those fees to Deposit Account No. 50-1063 (Ref. No. MSFTP182US).

Should the Examiner believe a telephone interview would be helpful to expedite favorable prosecution, the Examiner is invited to contact applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,
AMIN & TUROCY, LLP



Himanshu S. Amin
Reg. No. 40,894

AMIN & TUROCY, LLP
24TH Floor, National City Center
1900 E. 9TH Street
Cleveland, Ohio 44114
Telephone (216) 696-8730
Facsimile (216) 696-8731